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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
* 10/695,465	10/28/2003	Ikuo Koumaru	7217/70909	5620
530	7590	05/03/2006	EXAMINER	
LERNER, DAVID, LITTBENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				COLAN, GIOVANNA B
		ART UNIT		PAPER NUMBER
		2162		

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/695,465	KOUMARU, IKUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Giovanna Colan	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is issued in response to applicant filed application on 10/28/2003.
2. Claims 1 – 8 are pending. Claims 9 – 11 were cancelled. As stated in the preliminary amendment of the claims.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 1 – 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **a) Functional Descriptive Material: “Data Structures” Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se**

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure’s functionality to be realized. In contrast, a claimed computer-readable

medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. In contrast, a claimed computer- readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

In the instant application, the "apparatus" disclosed in claims 1 – 8 and further disclosed in the specification and drawings, is a program only, particularly a data structure only. In addition, the "units" for doing the program steps in the claims are program lines. Furthermore, the apparatus, as recited in the claims, is a program per se, lines of code or functional descriptive material, and thus not – statutory for that reason.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Steiner al. (Steiner hereinafter) (US Patent Pub. App. No. 2003/0065774 A1, filed: May 24, 2001).

Regarding Claim 1, Steiner discloses an organization information recording apparatus for recording organization structures formed by combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit for individually recording (Page 3, Table 1, [0027] and [0029], lines 4 – 6 and 1 – 4; respectively, Steiner<sup>1</sup>) said acting organization objects equipped with input information (Page 2, [0012], lines 4 – 6, input specific search, Steiner), output information (Page 4, [0042], lines 1 – 3, Steiner),

Art Unit: 2162

auxiliary input information (Page 2, [0012], lines 4 – 6, findResourceProviders, Steiner), and auxiliary output information as properties (Page 4, [0042], lines 4 – 6, CollectedResults, Steiner); and

an acting organization object mode designating unit including an input information designating unit (Fig. 2, item 201, Page 2, [0024], lines 1 – 4, resource requester, Steiner), an output information designating unit (Fig. 2, item 205, Page 2, [0024], lines 1 – 4, resource provider, Steiner), an auxiliary input information designating unit (Fig. 2, item 203, Page 2, [0024], lines 4 – 6, broker computer, Steiner), and an auxiliary output information designating unit for setting a property of a specified object recorded in said acting organization object recording unit (Fig. 2, item 207, Page 2 and 6, [0024] and [0088], lines 1 – 4 and 1 – 5; respectively, resource provider, Steiner<sup>2</sup>).

Regarding Claim 2, Steiner discloses an organization information recording apparatus, wherein

one of said input information and said auxiliary input information and said output information and said auxiliary output information are made exchangeable regarding properties relating to said input information, said output information, said auxiliary input information, and output information (Page 2, [0026], lines 1 – 12, Steiner<sup>3</sup>).

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<sup>1</sup> Wherein examiner interprets the step of maintaining a database, particularly a table (as cited in Page 3, Table 1, Steiner) including a Resource, ResourceDescription, and ResourceQuery; as the step of individually recording claimed.

<sup>2</sup> Wherein examiner interprets the step of performing the method of getResourcesDescription performed by the resource provider software; as the step of setting a property claimed.

Regarding Claim 3, Steiner discloses an organization information recording apparatus for recording organization structures formed by combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit for individually recording (Page 3, Table 1, [0027] and [0029], lines 4 – 6 and 1 – 4; respectively, Steiner<sup>4</sup>) said acting organization objects equipped with input information (Page 2, [0012], lines 4 – 6, input specific search, Steiner) and auxiliary input information (Fig. 2, item 203, Page 2, [0024], lines 4 – 6, broker computer, Steiner); and

an acting organization object mode designating unit including an input information designating unit (Fig. 2, item 201, Page 2, [0024], lines 1 – 4, resource requester, Steiner) and an auxiliary input information designating unit for setting a property of specified object recorded in said acting organization object recording unit (Fig. 2, item 203, Page 2, [0024], lines 4 – 6 , broker computer, Steiner<sup>5</sup>).

Regarding Claim 4, Steiner discloses an organization information recording apparatus for recording organization structures formed by combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit individually recording said acting organization objects equipped with an output information (Page 4, [0042], lines 1 – 3,

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<sup>3</sup> Wherein examiner interprets the step of changing a given node's role as the step of making information exchangeable regarding properties claimed.

<sup>4</sup> Wherein examiner interprets the step of maintaining a database, particularly a table (as cited in Page 3, Table 1, Steiner) including a Resource, ResourceDescription, and ResourceQuery; as the step of individually recording claimed.

Art Unit: 2162

Steiner) and auxiliary output information (Page 4, [0042], lines 4 – 6, CollectedResults, Steiner); and

an acting organization object mode designating unit including an output information designating unit (Fig. 2, item 205, Page 2, [0024], lines 1 – 4, resource provider, Steiner) and an auxiliary output information designating unit for setting a property of a specified object recorded in said acting organization object recording unit (Fig. 2, item 207, Page 2 and 6, [0024] and [0088], lines 1 – 4 and 1 – 5; respectively, resource provider, Steiner<sup>6</sup>).

Regarding Claim 5, Steiner discloses an organization information analysis apparatus analyzing an organization expressed by combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit for individually recording said acting organization objects equipped with input information (Page 2, [0012], lines 4 – 6, input specific search, Steiner), output information (Page 4, [0042], lines 1 – 3, Steiner), auxiliary input information (Page 2, [0012], lines 4 – 6, findResourceProviders, Steiner), and auxiliary output information as properties (Page 4, [0042], lines 4 – 6, CollectedResults, Steiner);

an acting organization object mode designating unit including an input information designating unit (Fig. 2, item 201, Page 2, [0024], lines 1 – 4, resource

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<sup>5</sup> Wherein examiner interprets the method registerResourcesProvider as the step of setting a property claimed. In addition, registerResourcesProvider is performed by the broker software.

<sup>6</sup> Wherein examiner interprets the step of performing method of getResourcesDescription performed by the resource provider software; as the step of setting a property claimed.

Art Unit: 2162

requester, Steiner), an output information designating unit (Fig. 2, item 205, Page 2, [0024], lines 1 – 4, resource provider, Steiner), an auxiliary input information designating unit (Fig. 2, item 203, Page 2, [0024], lines 4 – 6, broker computer, Steiner), and an auxiliary output information designating unit for setting a property of a specified object recorded in said acting organization object recording unit (Fig. 2, item 207, Page 2 and 6, [0024] and [0088], lines 1 – 4 and 1 – 5; respectively, resource provider, Steiner<sup>7</sup>); and

an acting organization object analyzing unit for analyzing performance relating combination of plurality of acting organization objects in accordance with a relation between input information property and output information property based on the objects recorded said acting organization object recording unit (Page 6, [0084], lines 1 – 7, Steiner<sup>8</sup>).

Regarding Claim 6, Steiner discloses an organization information analysis apparatus for analyzing organization expressed combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit for individually recording (Page 3, Table 1, [0027] and [0029], lines 4 – 6 and 1 – 4; respectively, Steiner<sup>9</sup>) said acting

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<sup>7</sup> Wherein examiner interprets the step of performing method of getResourcesDescription performed by the resource provider software; as the step of setting a property claimed.

<sup>8</sup> Wherein examiner interprets the step of transforming the query terms into an index using a hash function as the step of analyzing performance relating combination of acting objects in accordance with a relation claimed.

<sup>9</sup> Wherein examiner interprets the step of maintaining a database, particularly a table (as cited in Page 3, Table 1, Steiner) including a Resource, ResourceDescription, and ResourceQuery; as the step of individually recording claimed.

organization objects equipped with input information (Page 2, [0012], lines 4 – 6, input specific search, Steiner) and auxiliary input information (Fig. 2, item 203, Page 2, [0024], lines 4 – 6, broker computer, Steiner);

an acting organization object mode designating unit including an input information designating unit (Fig. 2, item 201, Page 2, [0024], lines 1 – 4, resource requester, Steiner) and an auxiliary input information designating unit for setting a property of specified object recorded in said acting organization object recording unit (Fig. 2, item 203, Page 2, [0024], lines 4 – 6, broker computer, Steiner<sup>10</sup>); and

an acting organization object analyzing unit for analyzing a performance relating to a combination a plurality acting organization objects in accordance with the input information property based on the objects recorded in said acting organization object recording unit (Page 6, [0084], lines 1 – 7, Steiner<sup>11</sup>).

Regarding Claim 7, Steiner discloses an organization information analysis apparatus analyzing an organization expressed by combining a plurality of acting organization objects, the apparatus comprising:

an acting organization object recording unit for individually recording (Page 3, Table 1, [0027] and [0029], lines 4 – 6 and 1 – 4; respectively, Steiner<sup>12</sup>) said acting

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<sup>10</sup> Wherein examiner interprets the method registerResourcesProvider as the step of setting a property claimed. In addition, registerResourcesProvider is performed by the broker software.

<sup>11</sup> Wherein examiner interprets the step of transforming the query terms into an index using a hash function as the step of analyzing performance relating combination of acting objects in accordance with a relation claimed.

<sup>12</sup> Wherein examiner interprets the step of maintaining a database, particularly a table (as cited in Page 3, Table 1, Steiner) including a Resource, ResourceDescription, and ResourceQuery; as the step of individually recording claimed.

organization objects equipped with output information (Page 4, [0042], lines 1 – 3, Steiner) and auxiliary output information (Page 4, [0042], lines 4 – 6, CollectedResults, Steiner);

an acting organization object mode designating unit including an output information designating unit (Fig. 2, item 205, Page 2, [0024], lines 1 – 4, resource provider, Steiner) and an auxiliary output information designating unit for setting a property of a specified object recorded in said acting organization object recording unit (Fig. 2, item 207, Page 2 and 6, [0024] and [0088], lines 1 – 4 and 1 – 5; respectively, resource provider, Steiner<sup>13</sup>); and

an acting organization object analyzing unit analyzing performance relating a combination plurality acting organization objects accordance with the output information property based on the objects recorded in said acting organization object recording unit (Page 6, [0077], lines 3 – 10, Steiner<sup>14</sup>).

Regarding Claim 8, Steiner discloses an organization information analysis apparatus wherein

said acting organization object is equipped with an activity contents property expressing contents of activity (Page 2, [0020], lines 6 – 9, Steiner);

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<sup>13</sup> Wherein examiner interprets the step of performing method of getResourcesDescription performed by the resource provider software; as the step of setting a property claimed.

<sup>14</sup> Wherein examiner interprets the agent's hash table as the acting organization object analyzing unit claimed.

said acting organization analyzing unit carries out a link appropriateness inspection with regard plurality acting organization objects obtained based on properties of said acting organization object (Page 4, [0042], lines 6 – 13, Steiner<sup>15</sup>).

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<sup>15</sup> Wherein examiner interprets the step of verifying if the time has expired as the step of carrying a link appropriateness inspection claimed. The reason is because it inspects and/or checks if the time period has expired to determine if it needs to stop requesting results.

***Prior Art Made Of Record***

1. Steiner al. (US Patent Pub. App. No. 2003/0065774 A1, filed: May 24, 2001) discloses a Peer-to- Peer based distributed search architecture in a networked environment.
2. Haswell et al. (US Patent No. 6,502,102 B1) discloses a system, method and article of manufacture for a table-driven automated scripting architecture.
3. Underwood (US Patent No. 6,601,233 B1) discloses a business components framework.

***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Giovanna Colan  
Examiner  
Art Unit 2162  
April 20, 2006

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